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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,042	05/24/2000	Hyun-kwon Chung	1293.1069D/MDS	5358
21171	7590	03/26/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2615	29

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/577,042

Applicant(s)

CHUNG ET AL.

Examiner

HUY T NGUYEN

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 142 and 149-155 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 142 and 149-155 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 155 is rejected under 35 U.S.C. 102 (e) as being anticipated by Misuno (6,219,311).

Regarding claim 155, Misuno discloses recording and/or reproducing method comprising recording and/or reproducing real time files requiring real time recording and/or reproduction on a recording medium according to real time recording and/or reproduction information for ensuring real time reproduction, wherein the real time recording and/or reproduction information includes a size of minimum contiguous storage blocks (Abstract , columns 3-4) .

3. Claim 155 is rejected under 35 U.S.C. 102 (e) as being anticipated by Mine (5,966,358).

Regarding claim 155, Mine discloses recording and/or reproducing method (column 8, lines 25-35) comprising recording and/or reproducing real time files (movie files) requiring real time recording and/or reproduction on a recording medium according

Art Unit: 2615

to real time recording and/or reproduction information (movie information) for ensuring real time reproduction, wherein the real time recording and/or reproduction information includes a size of minimum contiguous storage blocks (sector\$1 and unit\$1 that having a predetermined size for DVD)(column 3, lines 25-30, column 4, lines 45-56).

4. Claim 155 is rejected under 35 U.S.C. 102 as being anticipated by Yasui (5,999,505).

Regarding claim 155, Mine discloses recording and/or reproducing method (column 8, lines 5-30) comprising recording and/or reproducing real time files (movie files) requiring real time recording and/or reproduction on a recording medium according to real time recording and/or reproduction information (file content information) for ensuring real time reproduction, wherein the real time recording and/or reproduction information includes a size of minimum contiguous storage blocks (sector, Fig. 5)

5. Claim 155 is rejected under 35 U.S.C. 102 (e) as being anticipated by Gotoh (6,292,625).

Regarding claim 155, Gotoh discloses recording and/or reproducing method (column 8, lines 25-35 comprising recording and/or reproducing real time files (movie files) requiring real time recording and/or reproduction on a recording medium according to real time recording and/or reproduction information (movie information) for ensuring real time reproduction (column 10, line 10-40); wherein the real time recording and/or reproduction information includes a size of minimum contiguous storage blocks (sector and ECC block)(Fig. 7).

Art Unit: 2615

6. Claims 142, 149-151 and 153 are rejected under 35 U.S.C. 102 (e) as being anticipated by Gotoh (6,292,625).

Regarding claim 142, Gotoh discloses a recording and/or reproducing method comprising: recording and/or reproducing real time files (AV movie files) requiring real time recording and/or reproduction on a recording medium according to real time recording and/or reproduction information for ensuring real time reproduction (column 10, line 10-40, column 12, lines 10 –48, column 15, lines 35-45); and recording and/or reproducing the real time recording and/or reproduction information in a file type field in an (ICB) TAG field of a file entry for a universal disk format (UDF) system (Figs. 3 and 22-23, column 7). It is noted that the expression “and/or” in claims can be interpreted as “or”.

Regarding claim 149, Gotoh further teaches reproducing the real time files using the real time recording and/or reproduction information (column 12, lines 18-30).

Regarding claims 150, Gotoh further teaches recording and/or reproducing the recording and/or reproducing information comprises storing the real time recording /reproduction information in corresponding ones of the real time files (Fig. 22 and 23).

Regarding claim 151, Gotoh further teaches the real time recording and/or reproduction information includes file indication information indicating that the real time files require real time recording and/or reproduction (column 9, lines 10-40, column 12, line 4-48, Fig. 1).

Regarding claim 153, Gotoh teaches the recording and/or reproducing the real time files comprises: reading a volume area on the recording medium; and reproducing

a file as one of the real time files in accordance with the real time recording and/or reproduction information (Figs. 3 and 5, column 12, lines 4-48).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 142, 149-150 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mine in view of Yasui and OSTA (Universal Disk Format Specification).

Regarding claim 142, Mine discloses a recording and/or reproducing method comprising: recording and/or reproducing real time files requiring real time recording and/or reproduction on a recording medium according to real time recording and/or

Art Unit: 2615

reproduction information for ensuring real time reproduction (column 10, line 10-40); and recording and/or reproducing the real time recording and/or reproduction information in a file entry for a universal disk format (UDF) system (column 7, lines 20-30, column 8, lines 15-25) .

Mine fails to teach generating and storing file reproduction information . Yasui teaches a recording and reproducing apparatus having a control means for generating reproduction information (name file) recorded on a file used to ensure the real time reproduction of the real time file (Figs. 1,7, column 8, lines 5-15).

It would have been obvious to one of ordinary skill in the art to modify Mine with Yasui by using a control means as taught by Yasui with Mine apparatus for generating the reproduction information as file names in file for recorded real time files thereby enhancing the function and capability of the apparatus of Mine for easily access the real time file to be reproduced .

Mine as modified with Yasui further teaches the reproduction information is stored as file entry and comprises a tag but fails to specifically teach that the tag is an ICB tag field . However, it is noted that using ICB tag field indicating a file used with UDF is known that and as taught by GOSTA (See UNIVERSAL DIS FORMAT SPECIFICATION , section 2.3.5) .Therefore, it would have been obvious to one of ordinary skill in the art to modify Mine as modified with Yasui above with GOSTA by using ICB tag field as an entry for file names of Mine as modified with Yasui to .

Regarding claim 149, Mine as modified with Yasui further teaches reproducing the real time files using the real time recording and/or reproduction information (See Yasui reference) .

Regarding claims 150, Mine as modified with Yasui further teaches recording and/or reproducing the recording and/or reproducing information comprises storing the real time recording /reproduction information in corresponding ones of the real time files (See Yasui Fig. 7).

Regarding claim 151, Mine as modified with Yasui further teaches the real time recording and/or reproduction information includes file indication information indicating that the real time files require real time recording and/or reproduction (Yasui Fig. 7).

Regarding claim 153, Mine as modified with Yasui further teaches the recording and/or reproducing the real time files comprises: reading a volume area on the recording medium; and reproducing a file as one of the real time files in accordance with the real time recording and/or reproduction information (See Mine and Yasui references)

9. Claims 152 and 154 are rejected under 35 U.S.C. 103(a) as being unpatentable Gotoh n view of Nakamura (5,745,645).

Regarding claim 152, Gotoh fails to the real time recording/reproduction information includes at least one of: recording/reproduction bit rate information, information on minimum contiguous storage clocks satisfying a condition in which a playback time of a current data block is greater than a sum of a seek time and a read

time of a data block to be played back next, and information on a play back time for ensuring minimum contiguous storage.

Nakamura teaches a recording apparatus for recording video on a medium including a bite ate information for video block of a file that uses for continuously reproducing of the video data (column 40, lines 60-65) .

It would have been obvious to one of ordinary skill in the art to modify Gotoh with Nakamura by providing the bit rate information as the reproduction information for enable the real time file is continuously reproduced .

Regarding claim 154, Gotoh as modified with Nakamura further teach the reproducing of the file comprises analyzing defect management information, file allocation information (see Gotoh) , recording/reproduction bit rate information, and file buffering information according to the real time recording and/or reproduction information (See Nakamura, column 60-65).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brady teaches generating ICB tag for a disk.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone

Art Unit: 2615

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUYEN NGUYEN
PRIMARY EXAMINER